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RUEHPE/AMEMBASSY LIMA PRIORITY 1785
RUEHMD/AMEMBASSY MADRID PRIORITY 1657
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RUEHSG/AMEMBASSY SANTIAGO PRIORITY 4982
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 0168
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RUEHUB/USINT HAVANA PRIORITY 0038
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY
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C O N F I D E N T I A L BUENOS AIRES 000497

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STATE FOR WHA/BSC, WHA/EPSC, AND INR/R,
NSC FOR NILMINI GUNARATNE, AND DEL RENIGAR
TREASURY FO A/S QUARLES, DAS LEE, DAVID DRYSDALE, RAMIN
USDOC FOR ALEXANDER PEACHER
SOUTHCOM FOR POLAD

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Classified By: Ambassador Line Gutierrez for Reasons 1.4 (B)(D).

11. (U) Reftels and other Mission reporting available at
<http://www.state.sgov.gov/p/wha/buenosaires>

12. (U) TABLE OF CONTENTS:
-- HAVANA ON THE PARANA
-- DIRTY WAR CRIMES PROSECUTIONS PROCEED
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Havana on the Parana

13. (U) Santa Fe Governor Jorge Obeid raised more than a few eyebrows this week when he publicly supported Havana's February 8th deportation of Argentine writer and historian Jose Ignacio Garcia Hamilton (Reftel). Governor Obeid said of Garcia Hamilton, "He chose to oppose Cuba. He has a book with a prologue written by a Cuban dissident and has discussed politics with dissidents when he's gone to the island. Fidel's government has all the right in the world to tell him You cannot enter here because you've come to generate politics against the government,". The governor, who is a self-described admirer of Castro and has met with him twice in Havana, added "Cuba has the right to defend itself."

14. (U) In response, Garcia Hamilton said the Governor's comments were "distressing" and that his "opinion is dangerous, since it would also justify not letting me into Santa Fe if I were going to meet with a radical or a socialist." Garcia Hamilton is not alone in seeing the

hypocrisy of the Governor,s statements. Local newspaper La Prensa printed a lengthy editorial criticizing Obeid, saying "Obeid has surprised us with his anti-democratic position" in spite of being a democratically elected governor. The editorial went on to say that his remarks were an affront to Argentines, and "an assault on and a rejection of the freedoms of thought, opinion and conscience" which "Fidel Castro rejects and Obeid surely has to uphold, although perhaps with little enthusiasm or conviction."

¶5. (U) Also on the Cuba front, but unrelated to the Garcia Hamilton news, the thirteen center-right national deputies of the Propuesta Republicana (PRO) political party signed a draft declaration condemning "acts of repudiation" against dissidents in Cuba. The draft cites "acts of intimidation and aggression towards family members of political prisoners, opponents of the regime and human rights defenders in Cuba," which consist of "physical and verbal aggression by governmental groups against persons whose crime is peaceful protest against Fidel Castro,s regime." The declaration calls these acts a "flagrant violation of article 12 of the Universal Declaration of Human Rights" and calls for Cuba to "immediately cease this type of hostility." Additionally, in a public letter addressed to Foreign Minister Jorge Taiana, the Center for Latin American Openness and Development (CADAL) asked that a human rights representative be assigned to the Argentine Embassy in Cuba to follow cases of human rights violations there. (COMMENT: Although these actions don't exactly constitute a groundswell of Argentine support for Cuban democracy and human rights, it is evidence of a healthy and reasoned debate in some public quarters, a debate this Mission will actively continue to foster. END COMMENT.)

Dirty War Crimes Prosecutions Proceed

¶6. (U) Since the lifting of the Dirty War-related "Due Obedience" and "Full Stop" amnesty laws in 2003, the legal process has continued against former military and security force personnel accused of human rights and other violations during the military junta rule from 1976-1983. On February 14, twelve former junta leaders were placed in "preventive prison," mostly house arrest, to await trial on their involvement in the implementation of the "Plan Condor" (the name given to the coordinated anti-leftist actions between the military dictatorships of Argentina, Uruguay, Chile, Brazil and Paraguay during the 70s and 80s). Most prominent among the twelve detainees is former Junta leader and de facto President, General Jorge Rafael Videla, who had been convicted in the Military Junta trial of 1985 and subsequently pardoned by former president Carlos Menem. The amnesty laws, which protected him and many others implicated in the era's numerous human rights violations, have since been overturned by the national legislature, and Videla is now charged with involvement in the implementation of Plan Condor, the disappearances of leftist dissidents, and the abduction of infants born to political prisoners. In February, Videla, along with former generals Luciano Benjamin Menendez and Antonio Domingo Bussi (who is also the former governor of Tucuman Province), were indicted by a federal judge in Santiago del Estero for the disappearance of a city councilman in 1975. Though Videla argued that his case has already been heard and judged, the Supreme Court has confirmed the legality of reopening the cases. Videla, as former de facto President and Junta leader, is the most prominent military leader to date to be tried following the repeal of the amnesty laws.

200 Kilos of Cocaine Seized in Shipment of Frozen Fish

¶7. (U) On February 23, members of the Argentine Federal Police,s counter narcotics unit seized approximately 200 kilos of cocaine hidden in crates of frozen fish. The traffickers planned to send the cocaine to Spain in a container ship, underscoring local DEA concerns regarding the

use of maritime containers for narcotics smuggling. Four Argentine nationals were arrested, one of them wanted by Brazilian authorities in connection with smuggling two tons of cocaine from Brazil to Portugal via maritime containers in 2005.

18. (C) Local law enforcement has determined that the front company used by the traffickers dispatched another container of frozen fish to Spain on February 18. Local DEA, with the assistance of the DEA Madrid Country Office, have facilitated coordination between local law enforcement and Spanish authorities. The ship transporting the container in question is expected to arrive in Spain on March 9, and will be inspected by Spanish law enforcement. (COMMENT: This seizure is just the latest in a growing pattern of cases that support local DEA and INL concerns regarding the use of maritime containers for narcotics shipment, and the need for the creation of a DEA/INL funded task force to target maritime container traffic in the Buenos Aires Port. END COMMENT.)

19. (SBU) In other narcotics related news, on March 2, Argentine press reported that the USG was continuing to watch the progress of two high-profile narcotics cases involving GOA law enforcement officials to gauge the Kirchner administration's level of commitment to anti-corruption and narcotics control efforts. Local press also stressed U.S. concerns that political instability in Bolivia could lead to increased narcotics trafficking in Argentina and the region. These articles are linked to the recent release of the annual INCSR report and serve to illustrate the immediate impact the INCSR and other public reporting generated by the State Department have in countries like Argentina.

Military Justice Code Reform Proposed

10. (U) On February 28, Defense Minister Nilda Garre announced she is moving forward with plans to reform the Military Code of Justice to make it more transparent and bring it into line with federal and international law. Elements under review relate primarily to increased protection of human rights and punishments for infractions. The main changes expected are the elimination of the death penalty, the incorporation of a system of sanctions for international humanitarian law violations committed during armed conflict, and the declaration of punitive actions for human rights violations committed within a military context. The reforms are the result of two years of work spearheaded by the former Minister of Defense and current provisional president of the Senate, Jose Pampuro, and are expected to be one of the first pieces of legislation considered during the new congressional session.

GUTIERREZ